

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:20-CR-103-M

UNITED STATES OF AMERICA)

)

MOTION FOR UPWARD
VARIANCE OR DEPARTURE

v.)

)

QUADARRIUS COTTEN)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby seeks an upward departure or variance from the advisory guidelines pursuant United States Sentencing Guidelines 5K2.0 based upon Circumstances of a Kind Not Adequately Taken Into Consideration.

- 1) On November 18, 2020, pursuant to a plea agreement, COTTON plead guilty to Count Two (distribution of a quantity of heroin), Count Three (distribution of a quantity of cocaine and fentanyl), Count Four (possession of a firearm in furtherance of a drug trafficking crime), Count Six (possession with intent to distribute a quantity of heroin).
- 2) On January 22, 2020, COTTEN distributed 30 bags of heroin to someone working at the direction of law enforcement. COTTEN brought two young juveniles with him to the drug transaction. The juveniles witnessed the drug transaction which occurred in the bathroom of a restaurant.
- 3) It is the position of the government that the advisory guidelines for Counts Two, Three and Six do not address or take into consideration this conduct.

- 4) The Government contends that the appropriate advisory guideline based upon this and all relevant factors under 3553(a) is 33-41 and that this is at the expiration of Count Four.

Respectfully submitted, this 23rd day of February 2021.

ROBERT J. HIGDON, JR.
United States Attorney

BY: /s/ Timothy Severo
TIMOTHY SEVERO
Assistant United States Attorney
Criminal Division
U.S. Attorney's Office, EDNC
300 North Third St., Suite 120
Wilmington, North Carolina 28401
Email: tim.severo@usdoj.gov
Telephone: (919)846-4530
Facsimile: (910) 399-6423

CERTIFICATE OF SERVICE

This is to certify that I have this 23rd day of February 2021, served a copy of the foregoing Government's Motion for upward departure or variance upon the defendant in this action by sending a copy via CM/ECF:

Leza Dricoll
Attorney for Defendant

By: /s/ Timothy M. Severo
TIMOTHY M. SEVERO
Assistant United States Attorney
300 N. 3rd Street, Suite 120
Wilmington, NC 28401
Telephone: 919-856-4847
Fax: 919-856-4487
[Email: tim.severo@usdoj.gov](mailto:tim.severo@usdoj.gov)
NC State Bar No. 19621